

REMARKS

This Amendment is made in response to the Office Action dated October 4, 2004. A Request for an Extension of Time is submitted herewith to permit the filing of this Amendment in the third month.

Applicants respectfully traverse and request reconsideration of the rejection of Claims 1, 2, 5, 13 and 15 as being directed to non-statutory subject matter under 35 U.S.C. §101. The Examiner asserts at page 5 of the outstanding Office Action that independent claims 1, 5, 13 and 15 “recite no structural limitations (i.e., computer implementation), and so they fail the first prong of the test (technological arts).” By this Amendment, Applicants have added to each of the noted independent claims the recitation that the recited method is “implemented by a computer program to effect the following steps”. It is respectfully asserted that the noted claims clearly recite a computer implementation and, therefore, overcome the Examiner’s non-statutory subject matter rejection.

The Applicants respectfully traverse and request reconsideration of the rejection of Claims 1-9 and 13-7 as being indefinite under 35 U.S.C. §112, second paragraph, as being indefinite for the use of the terms “permitting” and “facilitating” in that, as asserted by the Examiner, the claims “refer to the potential of the action and leaves in doubt whether the action is encompassed.” In contrast to these assertions of the Examiner, “permitting” and “facilitating” clearly conotate that a present action is being carried out or effected. The Random House Unabridged Dictionary, Second Edition (1993) defines “facilitate” as “to make easier or less difficult; help forward (an action, a process, etc.)” and “permit” as “to allow to do something; to allow to be done or occur”. It is clear from these dictionary definitions that a clear and present action is contemplated by both of these terms and that the noted claims are clear and definite

under the requirements of 35 U.S.C. §112, second paragraph. If the Examiner persists in this rejection, he is requested to cite an authoritative source for such a holding.

The Examiner requires applicants to make an election of species of one of the following inventions:

- 1) Claims 1-4, 13-14 drawn to exchanging points;
- 2) Claim 5 drawn to enrolling a customer in a points program;
- 3) Claims 6-10, drawn to facilitating a customer to enroll in a point program;
- 4) Claims 11-12, drawn to reconciling the cost of transferring points;
- 5) Claims 15-19, drawn to validating the points; and
- 6) Claim 20, drawn to reconciling the debits and credits.

Applicants elect claims 1–4 and 13–14 to continue to prosecute in this application while traversing the election.

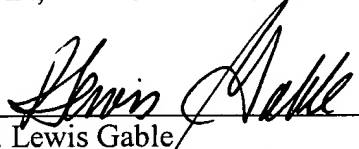
In view of the above, it is respectfully requested that the elected Claims 1-4, 13 and 14 are clearly directed to statutory subject matter and are clear and definite, whereby applicant respectfully requests a full examination on the merits of these claims.

If the Examiner faults this election and/or is unable to proceed with the examination of this application on the merits, he is requested to place a call to the undersigned where the continued examination of this application may be facilitated.

Respectfully submitted,

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By: _____


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